

REMARKS

After entry of this amendment, claims 1, 3-8, 12, 13, 15-18, 20, 21 and 23-27 are pending. Claims 2, 9-11, 14, 19 and 22 are cancelled without prejudice or disclaimer. The claims have been amended without prejudice or disclaimer and find support *inter alia* in the original claims. The amendments to claim 5 find further support in the specification, for example, at page 6, lines 8-17. The amendments to claim 26 find further support in the specification at page 23, lines 4-15 and page 25, line 5 through page 27, line 23. No new matter has been added.

Applicants thank the Examiner for indicating that claims 1, 3, 4, 6-8, 12, 13, 15-18, 20, 21, 23-25 and 27 are allowed.

Rejections under 35 U.S.C. § 112, first paragraph

Claim 5 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. The Examiner alleges that the Applicant has not described a representative number of D-type Cyclin Dependent Kinase (CDKD) species falling within the genus of variants, homologues and derivatives of SEQ ID NO: 1 and active fragments of SEQ ID NO: 2, nor the structural features unique to the genus. Applicants respectfully disagree and traverse the rejection.

Variants, homologues, derivatives and active fragments of the CDKDs are described in the specification at page 7, line 36 through page 13, line 8. Furthermore, CDKD structural features such as the NXTALRE motif and catalytic kinase domain are disclosed in the specification at page 6, lines 8-11. The NXTALRE motif is particular to the CDKDs and can be used to distinguish them from other CDKs. (Specification, for example, page 6, lines 13-17). However, in order to expedite prosecution, claim 5 has been amended without prejudice or disclaimer. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claim 26 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Jofuku *et al.* (U.S. Patent No. 6,329,567). Applicants respectfully disagree. However, in order to

expedite prosecution, claim 26 has been amended without prejudice or disclaimer according to the suggestion made by the Examiner. In light of the amendment, the rejection is believed to be rendered moot. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

For at least the above reasons, Applicants respectfully request withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

This response is filed within the three-month period for response from the mailing of the Office Action to and including March 28, 2010. No fee is believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14546-00001-US from which the undersigned is authorized to draw.

Respectfully submitted,

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